

**ADVANCED GCE****LAW**

Criminal Law

G153

Candidates answer on the Answer Booklet

OCR Supplied Materials:

- 16 page Answer Booklet

Other Materials Required:

None

Thursday 17 June 2010**Afternoon****Duration: 2 hours****INSTRUCTIONS TO CANDIDATES**

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided in the Answer Booklet.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure that you know what you have to do before starting your answer.
- Answer **three** questions, **one** from Section A, **one** from Section B and **one** from Section C.
- If you use additional sheets of paper, fasten these securely to the Answer Booklet.
- Write the numbers of the questions you answer on the front of your Answer Booklet.
- Do **not** write in the bar codes.
- When answering Section A and Section B questions you are required to demonstrate some synoptic thinking. In Section A this is achieved by relevant reference to precedent and/or statutory materials including the development of law and comments on justice or morality where appropriate. In Section B this is achieved by relevant use of precedent and/or statutory materials in the application of legal reasoning to given factual situations including comment on the justice or morality of the outcome where appropriate. You are not required to demonstrate synoptic thinking in Section C.

INFORMATION FOR CANDIDATES

- The number of marks for each question is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **120**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering **Section A** and **Section B** questions you will be assessed on the quality of your written communication and your use of appropriate legal terminology (QWC). These questions are marked with an asterisk (*).
- This document consists of **4** printed pages. Any blank pages are indicated.

Answer **three** questions.

Answer **one** from Section A, **one** from Section B and **one** from Section C.

You are advised to spend 50 minutes on Section A, 50 minutes on Section B and 20 minutes on Section C.

SECTION A

Answer only **one** question from this section.

- 1* 'The Criminal Attempts Act 1981 was intended to improve the law on attempts. The extent to which it has succeeded is open to doubt.'

Critically evaluate the accuracy of this statement. [50]

- 2* Discuss the view that the courts have clarified the *mens rea* of murder so that further legislation by Parliament is unnecessary. [50]

- 3* 'The defence of duress is essential but, in its present form, unsatisfactory.'

Critically evaluate the accuracy of this statement. [50]

SECTION B

Answer only **one** question from this section.

- 4* Alan is in a pub when he has a violent sneezing fit. The glass he is holding flies out of his hand and hits Bradley, the barman, cutting his cheek. Bradley is an epileptic who has forgotten to take his medication. Bradley has an epileptic seizure and lashes out at a customer, Carol, kicking her before collapsing on the floor. Carol has drunk several glasses of orange juice which, unknown to her, have been spiked with vodka and she kicks Bradley whilst he is on the floor, severely damaging his kidney. Carol then lurches towards Alan with a broken bottle in her hand. Alan thinks she is about to attack him and he punches Carol so hard that he knocks her out.

Alan is charged under sections 47 and 20 Offences Against the Person Act 1861, Bradley is charged under section 39 Criminal Justice Act 1988, and Carol is charged under section 18 Offences Against the Person Act 1861 and section 39 Criminal Justice Act 1988.

Discuss the defences which may be available to Alan, Bradley **and** Carol for these specific offences.

[50]

- 5* Yuri and Andrew are flat-sharing students. Whilst shopping, Yuri takes some sunglasses from a display and slips them into his pocket. He sees a shirt priced £50, swaps the price-tag for one marked £30 and pays the lower price. Andrew gives Yuri £50 for the gas bill. Yuri uses it to buy lottery tickets but wins nothing. Yuri buys a DVD and pays for it with a £10 note. The assistant mistakenly gives him change for a £20 note. Yuri realises this once he is outside the shop but keeps the money.

Andrew takes Yuri's football club season ticket from his room and returns the ticket three months later when only one match remains. Andrew sees an exam paper on his professor's desk. He makes a photocopy and leaves the original on the desk.

Discuss the criminal liability for theft of Yuri **and** Andrew.

[50]

- 6* Sue, aged three, is at the beach with her mother, Fiona. Sue cannot swim but she paddles whilst Fiona sunbathes. Sue paddles until she is out of her depth but Fiona does not notice. Ted, the lifeguard at the beach, is busy showing his rescue kit to his new girlfriend and pays no attention to Sue. Another holidaymaker, David, sees what has happened but decides to do nothing. Sue is washed back to shore and Fiona finds her gasping for breath and with a cut head. Fiona takes Sue to hospital where she is seen by Doctor Cox. He tells Fiona that Sue is not badly hurt and Sue is left on a trolley in a corridor for three hours. When Doctor Cox returns, Sue has died from her head injury.

Discuss the criminal liability, if any, of Fiona, Ted, David **and** Doctor Cox for the manslaughter of Sue.

[50]

SECTION C

Answer only **one** question from this section.

- 7 Tom and Carly are students in the same law class. Tom often teases Carly and tells her that she is stupid. Carly becomes clinically depressed. She decides to beat up Tom the next time he calls her stupid. Several days later Carly does badly in a test and Tom calls her stupid again. Carly waits until the end of the class, grabs Tom and smashes his head on a desk. Tom's skull is fractured and he dies.

Evaluate the accuracy of **each** of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

Statement A: Carly can be charged with Tom's murder.

Statement B: Carly will not succeed with a defence of provocation because calling her 'stupid' is not that bad.

Statement C: Carly will not succeed with a defence of provocation because she does not kill Tom immediately.

Statement D: Carly will not succeed with a defence of diminished responsibility.

[20]

- 8 James and Brett decide to fight to settle an argument. Brett shoves James hard in the chest. James swings at Brett but misses him and hits Daniel, breaking Daniel's jaw. Brett then hits James, causing minor concussion. Later Brett's girlfriend, Avril, asks Brett to tattoo the letter B on her arm to show she loves him. Brett agrees but Avril gets blood poisoning.

Evaluate the accuracy of **each** of the four statements A, B, C, and D individually, as they apply to the facts in the above scenario.

Statement A: Brett is liable for battery when he shoves James even though he and James had agreed to fight.

Statement B: James is not liable for inflicting grievous bodily harm because he was aiming at Brett, not Daniel.

Statement C: Brett is not liable for assault occasioning actual bodily harm when James suffers concussion.

Statement D: Brett is not liable for Avril's blood poisoning because she asked him to give her the tattoo.

[20]



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